10/664,660

April 13, 2004

Assistant Commissioner of Patents

Washington, DC 20231

PROTEST UNDER <u>37 CFR 1.291(a)</u>

Re: Methods and apparatus for an advertisement display service using metadata

US File 20040064833   Filed: September 19, 2003

Sirs:

Recently I found the above referenced patent filing and believe this filing has NOT issued in the U.S. The US File # is 20040064833

I am voicing an objection as a concerned third party and as a U.S. Citizen. The patent filing describes at great length an advertising delivery system dependent upon a database maintained (0007) at the client level (Digital Television [DTV] Set in a client-server ad delivery system. (0002) (0007) The appropriate ads are selected through comparison of programs' metadata (keywords) with user profile database (0008) (0009) (0015) The ad databases are created at the DTV from a remote server (0007) and updated (0011) at the DTV. Selecting a channel (0015) or show on television, which is tantamount to placing a URL or keyword into a browser locator window, then makes a match with ad database (0009) data maintained at the computer DTV in the remotely controlled and updated database and in the event a match is made by matching (Claim 1) program metadata to the ad database or user profile that contains voluntary user actions (0015) an appropriate advertisement is displayed. This is referred to as "pull" advertising as voluntary actions on the part of a user interacts with a pre-established database and a targeted ad is displayed.

This embodiment is described in Claims 1, 3, 4, 7, 9, 10 and others. Basing ad display based upon program selection comparisons, profiles or other voluntary users' actions is no different than selecting a URL in a browser or Keyword in a search engine. Whether a cable TV network or the internet (Claim 3) or both, both are electronic communication networks. The system is described in (0002) (0007) (0008) (0009) (0011) (0015) and others.

The abstract reads, "Methods and apparatus for an advertisement display service using metadata is disclosed. The method for providing a selective advertisement display comprises constructing a user's preference for television programs; analyzing and filtering metadata of advertisements based on said user's preference; storing the selected advertisements on digital television;
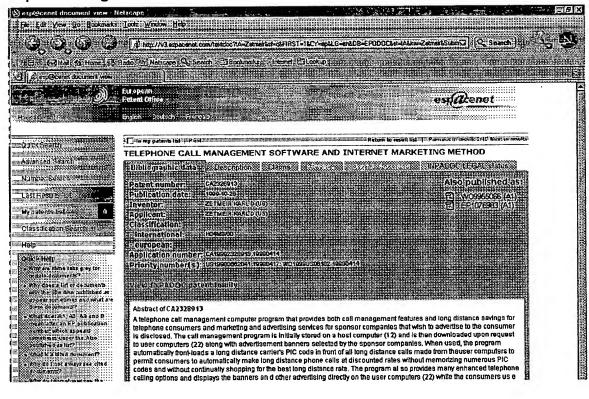
analyzing metadata of a program viewed by the user when the user watches television; matching the metadata of the program with the metadata of advertisements stored; and providing the most related advertisement in the form of banner, based on the result of the matching. Thus, the present system can provide a targeting service corresponding to each user's tastes without leaking user's personal information, by storing advertisements corresponding to the user's tastes beforehand and, subsequently, providing the advertisements related to a program viewed by the user in the form of a banner."

I am objecting to this patent filing, as it is neither novel nor unique. It is of particular note that little prior art was supplied; little prior art was submitted with this filing correlating to the internet, also an electronic communication system, and only some broad references to server profiling systems. The filers are correct that a targeted system based on program selections, user profiles, metadata keywords or voluntary user actions is more accurate and excels in its ability to deliver "relevant" ads at the exact moment of interest. However, the filers did not include the following references:

1. US Patent 6,141,010 ... similar technology
2. Gator.com (recently changed to Claria.com) has been marketing such a system since 1998 or 1999
3. WO9955066 (A1) or EP1076983 (A1) ... similar technology

There may be more prior art preceding the 9/3/2003 filing. The prior art listed all precede any references contained in this Application including the Korea patent filing.

I believe the Examiner should look very closely at the Claims made and reject this patent filing.

USPTO PATENT FULL-TEXT AND IMAGE DATABASE

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Images

United States Patent   **6,141,010**

Hoyle   **October 31, 2000**

Computer interface method and apparatus with targeted advertising

Abstract

A method and apparatus for providing an automatically upgradeable software application that includes targeted advertising based upon demographics and user interaction with the computer. The software application is a graphical user interface that includes a display region used for banner advertising that is downloaded from time to time over a network such as the Internet. The software application is accessible from a server via the Internet and demographic information on the user is acquired by the server and used for determining what banner advertising will be sent to the user. The software application further targets the advertisements in response to normal user interaction, or use, of the computer. Associated with each banner advertisement is a set of data that is used by the software application in determining when a particular banner is to be displayed. This includes the specification of certain programs that the user may have so that, when the user runs the program (such as a spreadsheet program), an advertisement will be displayed that is relevant to that program (such as an advertisement for a stock brokerage). This provides two-tiered, real-time targeting of advertising—both demographically and reactively. The software application includes programming that accesses the server on occasion to determine if one or more components of the application need upgrading to a newer version. If so, the components are downloaded and installed without requiring any input or action by the user.

CLARIA.

🔲 CORPORATE OVERVIEW

CORPORATE OVERVIEW
Overview
News Room
Management Team
Employment
ADVERTISE
PRODUCTS & SERVICES
CONTACT US

Overview

■ Claria Corporation Overview

Claria Corporation is the leader in online behavioral marketing, serving over 38 million consumers and more than 900 Advertisers – including over 80 Fortune 1000 companies. Claria publishes advertising messages for top tier companies and agencies to consumers who are part of the GAIN Network, Claria's network of over 38 million consumers who agree to receive advertising based on their actual online behavior.

Unlike traditional demographic targeting, Claria's behavioral marketing model combines powerful insights into consumer behavior and the ability to deliver contextually targeted messages. The relevancy of the messages drives click-through and conversion rates up to 40 times higher than traditional banner ads – boosting campaign results to unprecedented levels. The difference is Claria's deep insights into consumer online behavior. Claria allows advertisers to target consumers based on their individual needs and interests resulting in industry leading ROI, not mass demographically targeted Web site populations.

In addition to its advertising network, Claria provides marketing research and business insights through its Feedback Research division. Feedback Research delivers in-depth analytics of consumer Web usage patterns across the entire Internet that cannot be attained via any other research provider. It also provides full service custom marketing research to Fortune 1000 clients. With exclusive access to the GAIN Network's 38 million consumers, Feedback Research surveys hard to reach consumers, based on their individual online behavior, quickly and cost-effectively.

■ History

Claria was founded in 1998 as The Gator Corporation to deliver the promise of one-to-one marketing on the Internet. The guiding vision was to develop a massive consumer audience by offering valuable web/software content for free in exchange for the right to show highly targeted advertising based on consumers' anonymous surfing behavior. Launched in June 1999, the Gator eWallet was the company's first free ad-supported software product, and it quickly grew to become the most popular product in its category.

By November 1999, Claria had revolutionized the online advertising industry by introducing its contextual and behavioral relevant online advertising model. This new advertising method resulted in unparalleled ROI for advertisers.

Claria headquarters are located in Redwood City, California, with U.S. offices in Los Angeles, Chicago, New York, Detroit, Austin, and International offices in the U.K and Asia. Claria is backed by top-tier venture capitalists such as Greylock, Technology